

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 269

Introduced by Heidemann, 1.

Read first time January 14, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state funds; to amend sections 71-7608,
2 71-7611, and 71-8805, Revised Statutes Cumulative
3 Supplement, 2008; to change and provide for transfers of
4 funds; to harmonize provisions; to repeal the original
5 sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-7608, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 71-7608 The Nebraska Tobacco Settlement Trust Fund is
4 created. The fund shall include any settlement payments or other
5 revenue received by the State of Nebraska in connection with any
6 tobacco-related litigation to which the State of Nebraska is a
7 party. The Department of Health and Human Services shall remit such
8 revenue to the State Treasurer for credit to the fund, ~~except~~
9 ~~that of such revenue received on or after April 1, 2005, (1) two~~
10 ~~million five hundred thousand dollars shall be credited for fiscal~~
11 ~~years before FY2009-10 and (2) three million dollars shall be~~
12 ~~credited for FY2009-10 and subsequent fiscal years to the Tobacco~~
13 ~~Prevention and Control Cash Fund. For FY2008-09 five hundred~~
14 ~~thousand dollars shall be transferred from the Nebraska Tobacco~~
15 ~~Settlement Trust Fund to the Tobacco Prevention and Control Cash~~
16 ~~Fund. The State Treasurer shall make such transfer no later than~~
17 ~~July 15, 2008. Beginning in July 2008 and each year thereafter,~~
18 ~~on or before July 25, five hundred thousand dollars shall be~~
19 ~~transferred from the Nebraska Tobacco Settlement Trust Fund to the~~
20 ~~Stem Cell Research Cash Fund created under section 71-8805. Subject~~
21 ~~to the terms and conditions of such litigation, money from the~~
22 ~~Nebraska Tobacco Settlement Trust Fund shall be transferred to the~~
23 ~~Nebraska Health Care Cash Fund as provided in section 71-7611.~~
24 Any money in the Nebraska Tobacco Settlement Trust Fund available
25 for investment shall be invested by the state investment officer

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska
2 State Funds Investment Act.

3 Sec. 2. Section 71-7611, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 71-7611 (1) The Nebraska Health Care Cash Fund is
6 created. The State Treasurer shall transfer ~~(a) fifty-six million~~
7 ~~four hundred thousand dollars no later than July 30, 2008,~~ and ~~(b)~~
8 ~~fifty-five million seven~~ fifty-nine million two hundred thousand
9 dollars beginning July 15, 2009, and annually thereafter no later
10 than July 15 from the Nebraska Medicaid Intergovernmental Trust
11 Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska
12 Health Care Cash Fund, except that such amount shall be reduced
13 by the amount of the unobligated balance in the Nebraska Health
14 Care Cash Fund at the time the transfer is made. ~~On or before~~
15 ~~May 1, 2008,~~ the State Treasurer shall transfer from the Nebraska
16 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
17 Settlement Trust Fund an additional two hundred fifty thousand
18 dollars to the Nebraska Health Care Cash Fund. The state investment
19 officer upon consultation with the Nebraska Investment Council
20 shall advise the State Treasurer on the amounts to be transferred
21 from the Nebraska Medicaid Intergovernmental Trust Fund and from
22 the Nebraska Tobacco Settlement Trust Fund under this section in
23 order to sustain such transfers in perpetuity. The state investment
24 officer shall report to the Legislature on or before October 1 of
25 every even-numbered year on the sustainability of such transfers.

1 Except as otherwise provided by law, no more than the amount
2 specified in ~~subdivisions (1)(a) and (b)~~ of this subsection may be
3 appropriated or transferred from the Nebraska Health Care Cash Fund
4 in any fiscal year.

5 (2) Any money in the Nebraska Health Care Cash Fund
6 available for investment shall be invested by the state investment
7 officer pursuant to the Nebraska Capital Expansion Act and the
8 Nebraska State Funds Investment Act.

9 (3) One million dollars in the Nebraska Health Care Cash
10 Fund is designated each year for the Autism Treatment Program
11 Act for five fiscal years beginning in fiscal year 2007-08 and
12 shall be distributed in each fiscal year as follows: (a) First,
13 to the Department of Health and Human Services for costs related
14 to application and implementation of the waiver; (b) second, to
15 the department for other medical costs for children who would
16 not otherwise qualify for medicaid except for the waiver; and (c)
17 third, the balance to the Autism Treatment Program Cash Fund. The
18 State Treasurer shall transfer the balance of the funding to the
19 Autism Treatment Program Cash Fund based on the estimated costs
20 of administrative and other medical costs as determined by the
21 Legislature through the appropriation process. The transfers to
22 the Autism Treatment Program Cash Fund in any fiscal year shall
23 be contingent upon the receipt of private matching funds under
24 the Autism Treatment Program Act, with no less than one dollar of
25 private funds received for every two dollars transferred from the

1 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash
2 Fund.

3 (4) The University of Nebraska and postsecondary
4 educational institutions having colleges of medicine in Nebraska
5 and their affiliated research hospitals in Nebraska, as a condition
6 of receiving any funds appropriated or transferred from the
7 Nebraska Health Care Cash Fund, shall not discriminate against any
8 person on the basis of sexual orientation.

9 (5) The State Treasurer shall transfer two hundred
10 thousand dollars from the Nebraska Health Care Cash Fund to the
11 University of Nebraska Medical Center Cash Fund for the Nebraska
12 Regional Poison Center within fifteen days after each July 1.

13 (6) The State Treasurer shall transfer three million
14 dollars annually on or before July 15 of each year from the
15 Nebraska Health Care Cash Fund to the Tobacco Prevention and
16 Control Cash Fund.

17 (7) The State Treasurer shall transfer five hundred
18 thousand dollars annually on or before July 15 of each year from
19 the Nebraska Health Care Cash Fund to the Stem Cell Research Cash
20 Fund.

21 Sec. 3. Section 71-8805, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 71-8805 (1) The Stem Cell Research Cash Fund is created.
24 Any money in the fund available for investment shall be invested
25 by the state investment officer pursuant to the Nebraska Capital

1 Expansion Act and the Nebraska State Funds Investment Act.

2 (2) Money credited to the Stem Cell Research Cash Fund
3 pursuant to section ~~71-7608~~ 71-7611 shall be used to provide a
4 dollar-for-dollar match, up to five hundred thousand dollars per
5 fiscal year, of funds received by institutions or researchers
6 from sources other than funds provided by the State of Nebraska
7 for nonembryonic stem cell research. Such matching funds shall be
8 awarded through the grant process established pursuant to section
9 71-8804. No single institution or researcher shall receive more
10 than seventy percent of the funds available for distribution under
11 this section on an annual basis.

12 (3) Up to three percent of the funds credited to the
13 Stem Cell Research Cash Fund shall be available to the Division
14 of Public Health of the Department of Health and Human Services
15 for administrative costs, including stipends and reimbursements
16 pursuant to section 71-8803.

17 Sec. 4. Original sections 71-7608, 71-7611, and 71-8805,
18 Revised Statutes Cumulative Supplement, 2008, are repealed.

19 Sec. 5. Since an emergency exists, this act takes effect
20 when passed and approved according to law.